

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 434

Case No. 84-2C

September 10, 1984

(Johns Hopkins University - PUD)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on June 21, 25 & 28, and July 12 & 17, 1984. At those hearing sessions, the Zoning Commission considered an application from the Johns Hopkins University School of Advanced International Studies (SAIS) for consolidated review and approval of a Planned Unit Development (PUD), pursuant to Section 7501 of the Zoning Regulations of the District of Commission. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application, which was filed on February 3, 1984, and requested consolidated review and approval of a PUD and a related change of zoning from SP-1 to SP-2 for lot 82 in Square 158.
2. The applicant, the Johns Hopkins University School of Advanced International Studies (SAIS), proposes to construct an addition to an existing building that is owned and occupied by the SAIS.
3. On March 12, 1984 at its regular monthly meeting, the Zoning Commission authorized the scheduling of a public hearing for the application. The Commission determined that it had the authority to consider the application under the existing SP-1 zoning and would not consider SP-2 rezoning for public hearing.
4. The SP-1 District permits matter-of-right medium density development including all kinds of residential uses, with limited office use for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the Board of Zoning Adjustment (BZA), to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 4.0 of which no more than 2.5 FAR may be devoted to

non-residential uses, and a maximum lot occupancy of eighty percent for residential uses.

5. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines, and standards which may exceed or be lesser than the matter-of-right standard identified above. The Commission may also approve uses that are permitted as a special exception by the BZA.
6. The PUD site is located at 1740 Massachusetts Avenue, N.W. in the Dupont Circle neighborhood. The site is in the square bounded by Massachusetts Avenue, and 17th, 18th and N Streets, and consists of 21,852 square feet of land.
7. The PUD site is in the Massachusetts Avenue Historic District. On October 19, 1983, the Historic Preservation Review Board granted conceptual design approval to the proposed project.
8. The SAIS has been located in the Dupont Circle area since 1943 and has been at the present site since 1962. In that year the existing SAIS building was constructed, pursuant to a special exception granted by BZA Order No. 6618.
9. The existing building is eight-stories/eighty-eight feet in height, with an FAR of less than 5.5, and a gross floor area of 57,568 square feet. A portion of the subject site is presently being used for surface parking for thirty-seven cars.
10. In 1962, the subject property was zoned SP and the Zoning Regulations in effect at that time permitted the SAIS to develop the subject property to a maximum height of ninety feet and a maximum FAR of 5.5, subject to the approval of the BZA.
11. In the late 1970s the Zoning Commission, through a series of actions in Z.C. Cases No. 76-24, 78-1, and 78-2, amended the SP and PUD provisions of the Zoning Regulations, and changed the zoning of a large portion of the Dupont Circle area. The result of those actions was to rezone the subject property from SP to SP-2 to SP-1, to reduce the maximum permitted height from ninety feet to sixty-five feet and to reduce the maximum permitted non-residential FAR from 5.5 to 2.5.
12. The zoning pattern in the area of the PUD site includes SP-1 zoning to the immediate east, south, and west, C-3-C zoning to the distant southwest and west and SP-2 zoning to the immediate north across Massachusetts

Avenue, with R-5-D and R-5-B further beyond to the north.

13. The PUD site is located in an area which contains many land uses including other institutional and organizational headquarters, office buildings apartments, hotels, single-family uses, commercial uses, and religious institutions with a diverse range of densities and heights.
14. The applicant proposes to construct an addition to the existing SAIS building to a height of eighty-eight feet, two inches. The total FAR of the project will be 4.46, with a total lot occupancy of approximately seventy-eight percent. The applicant requests approval for a height thirteen feet in excess of the SP-1 PUD height guideline of seventy-five feet. In addition, the applicant requests the Zoning Commission to approve the total 4.46 FAR for institutional use of the building. Although this is within the maximum permitted 4.5 FAR under the PUD guidelines, it is 0.96 FAR above the nonresidential guideline of 3.5.
15. The proposed addition will be to the rear of, and the same height as, the existing SAIS building. The addition will have a gross floor area of 39,989 square feet. Based on the parking requirements stated in Article 72 of the Zoning Regulations, thirty parking spaces would be required for college or university use of the subject site when construction is completed, with a maximum of forty parking spaces required when the site is fully occupied in ten years. The applicant will provide forty-eight self-park spaces, or fifty-nine spaces with attendant parking. Under the Regulations, no loading berths are required for the proposed use. The applicant has provided one loading berth which exceeds all dimensional requirements of the Zoning Regulations.
16. The proposed addition will include additional library, conference and seminar rooms, scholar work spaces, faculty offices, auditoriums, and enclosed parking and loading functions. The addition is proposed to relieve the present overcrowded condition at the school.
17. The top three floors of the addition will be occupied by library functions, including stacks, reading areas, work tables, and offices for visiting scholars. The library addition is proposed to be located on the top floors so that it can be joined with the existing library, which is located on the seventh and eighth floors of the existing building. A portion of the top floor of the existing building is structurally loaded for library stacks. This proposed layout will allow

for the efficient functioning and operation of the library, and will increase library security.

18. The addition will replace the existing surface parking. Both the parking and loading functions will now be located within the addition. The entire first floor of the addition will be devoted to parking and loading functions. In addition, there will also be two levels of subsurface parking in the building.
19. The second through fifth floors will be occupied by auditoriums, conference and seminar rooms, administrative offices, classrooms, computer areas, and offices for faculty and visiting scholars. The addition is not intended to accomodate any significant increase in the number of students and faculty, but is instead intended to relieve the present over-crowded teaching and research facilities at the school. As a result of discussions with the Dupont Circle Citizens Association, the applicant has agreed to precise limitations on the maximum number of faculty and staff at the school.
20. The applicant contended that by allowing the building to be built within the maximum permitted zoning envelope to the same height as the existing building, the proposed addition can be set back from the alley to the south. This will permit the creation of a landscaped terrace area on the second floor of the building. The alley to the south varies in width between thirty feet and forty-three feet where it abuts the property. Where the alley connects to 17th Street, it is only ten feet wide.
21. The alley to the south provides service access and/or parking access to many of the lots in Square 158. There was testimony and evidence presented that cars and trucks are sometimes illegally parked in the alley and that trash dumpsters of adjacent property owners are also located in the alley. The applicant's dumpsters are located on site. Further, the applicant's proposal provides for on-site loading and parking. The applicant therefore contended that the project will not adversely affect the existing traffic conditions in the alley. The alley is at its widest at the point where the access to the loading berth on the subject site is located. The applicant further contended that there is adequate room for maneuverability of trucks into and out of the loading berth.
22. The applicant through its traffic consultant indicated that the site is well-served by public transportation. The Dupont Circle Metrorail Station and seventeen Metrobus lines are within 900 feet of the subject site.

In addition, the applicant's traffic and parking study shows that there are over 1,600 on-street parking spaces within convenient walking distance to the site, as well as six parking garages, all of which have spaces available on an hourly basis. Three of these garages have spaces available on a monthly basis, including a garage approximately 200 feet from the subject site.

23. The applicant has identified the following public benefits and meritorious aspects of the project:
 - a. The provision of landscaped terrace areas and courtyards.
 - b. The elimination of an unattractive surface parking lot and enclosure of parking in the new structure.
 - c. An enclosed loading dock.
 - d. The continued existence of the school in this building, which was designed specifically for institutional use by SAIS, promoting the efficient use of land, consistent with the intent of the PUD Regulations.
 - e. The provision of new security lighting along the alleyway.
 - f. The increased availability of meeting rooms for neighborhood groups and nonprofit organizations.
 - g. Sensitive building design and placement which respects the predominant use and design character of the Dupont Circle and Massachusetts Avenue Historic Districts.
 - h. Provision of quality library and research spaces for scholars.
 - i. Increased opportunities for the public to participate in the music, lecture, and language training services offered by the school because of the elimination of overcrowding of the present facility.
 - j. Minimal potential impact on the light and air of adjacent buildings and consistency of design with the height, bulk and fenestration of existing buildings in the vicinity.
 - k. Sufficient off-street parking to meet the current and future demands for the building.

1. Establishment of a neighborhood scholarship for a resident of the ANC 2B/DCCA area.
 - m. Provision of a limited number of parking spaces for residents of the Dupont Circle area.
 - n. Establishment of library privileges for a limited number of Dupont Circle area residents.
24. The applicant indicated that the proposed project is consistent with the goals and policies of the District of Columbia Comprehensive Plan. The proposed project furthers the goals of the Plan to promote the District of Columbia as the center of federal government and international activities, to promote the interests of the university community and the community at large, to promote efficient and orderly transportation use, to enhance the physical character and the streetscape of the District, and to respect the character of the historic district.
25. The District of Columbia Office of Planning, by memorandum dated June 11, 1984 and by testimony presented at the public hearing, reported that "the proposed addition to SAIS will allow the School to remain as an asset to the educational and international communities in the District of Columbia. A university facility is a positive influence on the economic development of the District. The exact value of an expanded and upgraded SAIS, at this site, can not be quantified but it will have a positive influence on economic development in the District."

The OP recommended approval of the application, with the following development conditions, guidelines, and standards:

- a. The development shall be constructed as shown in the plans on file. All proposed building heights shall be built as depicted on the file drawing.
- b. The maximum FAR for the entire project shall not exceed 4.46. The total lot occupancy shall not exceed 78.2 percent.
- c. The number of full-time equivalent students will be limited to 330 for the first five years after approval of the PUD, to 360 for the next five years and to a maximum of 425 thereafter.
- d. The number of teachers will be limited on site at any time to seventeen for the first five years after the date of this Order, to twenty for the

next five years and to a maximum of twenty-two thereafter.

- e. All deliveries to the site will take place from the rear alley. No deliveries will take place from Massachusetts Avenue.

- 26. The District of Columbia Department of Public Works (DPW), by memorandum dated June 6, 1984 and by testimony presented at the public hearing, reported that the applicant has projected the future maximum number of students and faculty on the site at any given time to be 260 and twenty-two respectively. Based on the above data, the DPW estimated that forty-five parking spaces would be adequate to accommodate the future student and faculty population. The applicant proposes to provide forty-eight parking spaces in a three-level parking garage, compared to the forty parking spaces required under current regulations. The DPW reported that the proposed addition is expected to generate between eight and eleven automobile trips during each peak hour. In the opinion of the DPW, this amount of traffic would not measurably change the levels of service at the surrounding intersections.

The DPW also reported that there will be no significant impact on the water and sewer system from the proposed addition to the existing facility.

- 27. The District of Columbia Department of Housing and Community Development (DHCD), by memorandum dated May 21, 1984, reported that the lack of any residential use will have no adverse effect on any DHCD concerns or objectives. Institutional uses along Massachusetts Avenue and extending into the block is appropriate both with the intent of the Zoning Regulations and the existing and probable future uses in the area. The DHCD further stated that the proposed height, density, scale and design should not have any adverse effects on the block or the neighborhood. The DHCD has no specific residential development objectives for the square.
- 28. The District of Columbia Office of Business and Economic Development (OBED), by memorandum dated May 25, 1984, reported that issues under the aegis of OBED generally focus on tax revenues and employment generation of the proposed institutional use versus a mixed-use development. The quantified tax revenues and employment impacts of a mixed-use development would likely exceed those of an institutional use. However, the value of an expanded and upgraded School for Advanced International Studies at this site cannot be

quantified. The prestige of this facility in the city and its value as an educational institution cannot be quantified in terms of tax dollars or jobs. A university facility is a positive influence of undefinable proportions on economic development in the District. When feasible, the District should assist university expansion of this nature.

29. The District of Columbia Department of Finance and Revenue (DFR), by memorandum dated May 22, 1984, reported that the University attracts students to the District from all over the country. The University discourages students from driving to the school, which means most students live in the Dupont Circle area. Further, the University indicates that over one-third of all graduates and fifty percent of the faculty choose to reside in the District, which increases income and sale tax revenues. Given the above, plus the lack of any realistic alternative use of the property involved, the Department of Finance and Revenue favored either an exception to the SP-1 zoning or a zoning change to SP-2. Either method would allow the University to build its additional space.
30. The District of Columbia Department of Recreation (DCDR), by memorandum dated May 21, 1984, reported that the recreation services and open space concerns of the DCDR will not be affected by the proposal.
31. The District of Columbia Metropolitan Police Department (MPD), by report dated May, 1984, and by testimony presented at the public hearing, reported that the proposal would not impact adversely upon any current or planned operations of the MPD and more specifically, the Third District, in which the proposed addition is located. The MPD also indicated that the underground parking garage could become a site for larcenies from autos and muggings without the added protection of appropriate lighting and security personnel. Adequate lighting, when properly used, discourages criminal attacks, increases natural observability, and reduces fear. There are few standards on the optimal level of lighting required to prevent crime other than being sure that lighting is adequate to eliminate large shadowed areas.
32. The District of Columbia Fire Department, by memorandum dated June 8, 1984, and by testimony presented at the public hearing, reported that the PUD would not adversely affect the operations of that agency.
33. The District of Columbia Public Schools (DCPS), by memorandum dated May 25, 1984, reported that the DCPS did not oppose the subject application.

34. The District of Columbia Department of Consumer and Regulatory Affairs, by memorandum dated May 25, 1984, supported the scheduling of a public hearing but had no further comments.
35. Advisory Neighborhood Commission (ANC)-2B, by letter dated June 28, 1984, and by testimony presented at the public hearing, supported the application subject to the reduction of the height of the proposal to seventy-five feet, the SP-1 PUD guideline.
36. The Middle East Institute (MEI), party in the proceeding, by letter dated November 2, 1983, and by statement presented at the public hearing dated June 21, 1984, supported the application. The MEI indicated that the proposal was consistent with and compatible to other uses in the area. The MEI believed that the landscaped terrace at the rear of the second floor and the security lighting would be benefits to the neighboring properties.
37. Twenty-four letters in support of the application were received from organizations and individuals. The reasons for support of the application that have not been previously mentioned included the following:
 - a. The SAIS needed more space to enhance the quality of its programs and maintain its prestigious reputation;
 - b. The additional off-street parking is beneficial;
 - c. The retention of the SAIS in the City is an asset; and
 - d. The additional facilities would be visually unobtrusive and respect the existing character of the neighborhood.
38. The Duport Circle Citizens Association (DCCA), by statement presented at the public hearing, opposed the application because it neither met the spirit nor intent of the PUD process, and it misused the provisions thereof. The DCCA believed that the applicant misused provisions of Paragraph 7501.11 of the Zoning Regulations by providing little or no "... attractive urban design ... desired public space and other amenities" because the project is merely an addition to an existing building that nearly solely benefits the user of the building and not the community or the public. The DCCA believed that, as per Paragraph 7501.12, the applicant was circumventing the intent of the PUD process by seeking a height and density not only above matter-of-right standards but

above the generous PUD guidelines, and offering little or no benefits to the city or neighborhood. Other zoning relief alternatives should be sought in lieu of PUD processing; e.g., a variance of a non-conforming structure before the BZA. The DCCA challenged each of the amenities alleged by the applicant and demonstrated why they were not substantial or meritorious enough to be considered under PUD processing. The DCCA believed that the rear addition to the existing building is not seen by the general public and fails to enhance the neighborhood, as per Paragraph 7501.13. It further believed that the applicant's rationale for requesting the height of the addition to match the height of the existing building for intended library uses and structural design purposes, was not supported by existing library uses and structural design of the existing building. The DCCA noted that the applicant appeared to be presumptuous when the Washington Post reported on July 10, 1984, that the SAIS would be establishing a new center for East Asian studies supported by a five million dollar endowment in the new wing while seeking approval for the construction of the new wing from the Zoning Commission.

39. The Tabard and Gralyn Inns, parties in the proceedings, by testimony presented at the public hearing, opposed the application for reasons that included:
- a. The applicant's failure to identify, with sufficient justification, how the project would benefit the community;
 - b. The applicant's failure to meet the historic preservation objectives of the Draft Comprehensive Plan;
 - c. The applicant's failure to demonstrate that the project would have no adverse affect on the Tabard and Gralyn Inns;
 - d. The applicant's failure to demonstrate that the project would have no adverse affect on the neighborhood in terms of sunlight and air quality considerations, or in terms of the collection of trash from dumpsters.
 - e. The addition was not an appropriate PUD proposal; and
 - f. The proposal would exacerbate existing servicing and circulation problems in the existing alley.

The Tabard and Gralyn Inns, through their architect,

proposed an alternative design that would provide for SAIS expansion and minimally affect neighboring owners.

40. City Councilmember John A. Wilson, by statement dated June 28, 1984, opposed the PUD proposal for the lack of amenities to the public and a basis to exceed the PUD guidelines.
41. Representatives from the Residential Action Coalition, the Paladium Apartments, the Bay State Tenants' Association, the National League of American Pen Women, and one individual, by testimony presented at the public hearing, opposed the application. Seven letters in opposition and a petition in opposition signed by 112 friends of the Tabard and Gralyn Inns was received. The reasons for opposing the application that were not previously mentioned include the following:
 - a. The existing air, light, and sense of space now enjoyed by users of neighboring properties would be adversely affected by the construction of additional height and density;
 - b. The existing traffic congestion in the overburdened alley could cause fire safety problems if fire apparatuses was constrained;
 - c. The noise in the existing alley would be increased; and
 - d. No impact studies were prepared to determine the affect of the proposal on the neighborhood or city.
42. As to the concern of Advisory Neighborhood Commission - 2B regarding the limitation of the height of the proposal to seventy-five feet, the Commission finds that the applicant has failed to demonstrate sufficient reasons for the application to be granted. Accordingly, reduction of the proposed height is not relevant.
43. The Commission finds that the major issue on which this case turns is whether the applicant has satisfied the criteria of Section 7501 for consideration as a PUD. With respect to that issue, the Commission finds as follows:
 - a. As already noted above, through a series of previous policy decisions, the maximum permitted height and density for non-residential uses on the south side of Massachusetts Avenue in this area has been reduced from ninety feet and 5.5 FAR to sixty-five feet and 2.5 FAR.

- b. The subject application proposes to exceed the height permitted as a matter-of-right and the height guideline of Paragraph 7501.41.
 - c. The subject application proposes to exceed the FAR permitted as a matter-of-right and the FAR guideline of Paragraph 7501.43.
 - d. The Commission concurs with the testimony of the Dupont Circle Citizens Association, set forth in Finding No. 38, that the applicant has failed to establish that the proposed PUD has sufficient public benefits and meritorious aspects that warrant approval of the level of development requested.
 - e. The Commission is mindful of the applicant's desire to match the height of the existing building. The Commission finds that the applicant has failed to demonstrate that the subject application is of sufficient merit to be approved. The project does not significantly enhance the neighborhood, nor does it provide a superior environment or amenities beyond the kind of development which can be achieved through the other provisions of the Zoning Regulations.
 - f. The Commission finds that the subject PUD if approved would circumvent the intent and purpose of the Zoning Regulations. There is insufficient public benefit in this application to balance the additional height and non-residential density over the levels now allowed for this site.
44. The Commission finds that the applicant's failure to meet the test of Section 7501 is dispositive of the application. Consequently, the Commission need not and has not addressed questions concerning the impact of the proposed project on the alley and on properties across the alley to the south. The Commission further need make no determination on other design issues raised by D.C. agencies.

CONCLUSIONS OF LAW

- 1. The subject Planned Unit Development application is not appropriate for controlling additional development of the subject site, because control of the use and site plan can be provided through other provisions of the Zoning Regulations.
- 2. The development of this PUD does not carry out the purposes of Article 75 to encourage the development of well-planned residential, institutional, commercial and

mixed use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.

3. The approval of this PUD application is not consistent with the purposes of the Zoning Act.
4. The approval of this application will not promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.
5. The subject PUD application does not provide adequate and sufficient " ... attractive urban design ... desired public space and other amenities" for approval under the provisions of Article 75 of the Zoning Regulations.
6. The Zoning Commission has accorded to the Advisory Neighborhood Commission 2B the "great weight" to which it is entitled.

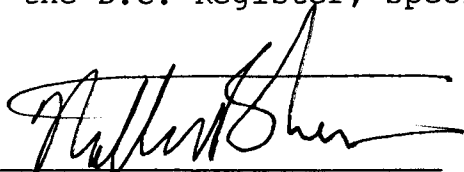
DECISION

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission of the District of Columbia hereby orders that this application for consolidated review and approval of a PUD for lot 82 in Square 158 at 1740 Massachusetts Avenue, N.W., be DENIED.

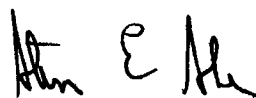
Vote of the Commission taken at the public meeting on August 16, 1984: 4-0 (Lindsley Williams, Maybelle T. Bennett, George M. White, and Walter B. Lewis, to deny - John G. Parsons, not present, not voting).

Vote of the Commission taken at the public meeting on September 10, 1984: 4-0 (Lindsley Williams, Maybelle T. Bennett, George M. White, and Walter B. Lewis, to adopt Z.C. Order No. 434, as amended - John G. Parsons, not voting not having participated in the case).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on 28 SEP 1984.



WALTER B. LEWIS
Chairman
Zoning Commission
434order/BOOTHK



STEVEN E. SHER
Executive Director
Zoning Secretariat